

section 121(c), 42 U.S.C. 9621(c), the first of which is scheduled for July 1998.

Operation and maintenance (O&M) activities are required both during implementation of the remedy and during the post-closure period. The major O&M during implementation is associated with the ground water recovery system, which includes replacement of pumps, wells and spent carbon. O&M associated with the post-closure period includes periodic inspection and repair of the surface cap and operation of the pressure relief and leachate collection systems. The post-closure operation and maintenance plan dated January 1988 will be implemented at the Site.

EPA, with the concurrence of TNRCC, has determined that all appropriate Fund-financed response under CERCLA has been implemented concerning the Source Control Portion of the Site to protect public health and the environment and that no further response action by responsible parties is appropriate for the Source Control Portion of the Site. Therefore, EPA proposes to delete the Source Control Portion of the Site from the NPL.

Dated: October 8, 1996.

Approved by:

Jerry Clifford,

*Deputy Regional Administrator, U.S.*

*Environmental Protection Agency, Region 6.*

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## 40 CFR Part 300

[FRL-5642-5]

### National Oil and Hazardous Substances Pollution Contingency Plan, National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Triangle Chemical Company Superfund Site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This

deletion of the Site is proposed in accordance with 40 CFR 300.425(e).

EPA bases its proposal to delete the Site on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate Hazardous Substance Superfund (Fund) financed response under CERCLA for the Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

**DATES:** Comments concerning this proposed partial deletion may be submitted on or before December 2, 1996.

**ADDRESSES:** Comments may be mailed to Mr. Donn R. Walters, Community Relations Coordinator (6SF-P), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (800) 533-3508 or (214) 665-6483.

Comprehensive information concerning the Site, as well as information specific to this proposed deletion, is available through the EPA Region 6 public docket at EPA's Region 6 office in Dallas, Texas. The Administrative Record for the Site and the Deletion Docket for this proposed partial deletion are maintained at the Site information repositories listed below. Public docket items and Site information repository items are available for public inspection and copying. The relevant locations are as follows:

U.S. EPA Region 6, Library (6MD-II), Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427, hours of operation: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Texas Natural Resource Conservation Commission, Technical Park Center, Room 190, Building D, 12118 North IH 35, Austin, Texas 78753, (512) 239 2920, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

Orange Public Library, 2200 North Fifth Street, Orange, Texas 77630, (409) 883-1086, hours of operation: 9:00 a.m. to 9:00 p.m. Mondays and Wednesdays, 9:00 a.m. to 5:00 p.m. Tuesdays and Thursdays and 9:00 a.m. to 1:00 p.m. Saturdays, excluding holidays.

City Hall, City of Bridge City, 260 Rachal Street, Bridge City, Texas 77611, (409) 735-6801, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest R. Franke, Project Manager (6SF-

AT), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

## SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis for intended Partial Site Deletion

Appendix

A. List of Deletion Docket Contents

B. Site Coordinate Boundaries

## I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This deletion of the Site is proposed in accordance with 40 CFR 300.425(e). As described in 40 CFR 300.425(e)(3), releases deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for deletion on or before October 31, 1996.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this proposed deletion. Section IV discusses the Site and explains how the Site meets the deletion criteria.

## II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the appropriate state, whether any of the following criteria have been met:

*Section 300.425(e)(1)(i).* Responsible parties or other persons have implemented all appropriate response actions required;

*Section 300.425(e)(1)(ii).* All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

*Section 300.425(e)(1)(iii).* The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions for the portion deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. In addition, deletion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not of itself create, alter or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist EPA management.

### III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures were used for this proposed deletion of the Site:

(1) EPA consulted with the State of Texas through the Texas Natural Resource Conservation Commission (TNRCC) on the proposed deletion prior to developing this notice;

(2) EPA recommended the proposed deletion;

(3) TNRCC concurred with the proposed deletion more than thirty working days before publication of this notice in the Federal Register;

(4) concurrently with publication of this notice in the Federal Register, a notice will be published in a major local newspaper of general circulation at or

near the Site and will be distributed to appropriate federal, state and local officials and other interested parties, which notices will announce a thirty calendar day public comment period on the deletion package and will announce the availability of copies of this notice of intent to delete at the EPA Region 6 library and the information repositories; and

(5) EPA made all relevant documents available at the EPA Region 6 library and the information repositories listed above, which documents are available for public inspection and copying.

The public is invited to comment on EPA's proposal to delete the Site from the NPL.

Upon completion of the thirty calendar day public comment period, EPA Region 6 will evaluate each significant comment and any significant new data received before issuing a final decision concerning the proposed deletion. EPA will prepare a responsiveness summary for each significant comment and any significant new data received during the public comment period and will address concerns presented in such comments and data. The responsiveness summary will be made available to the public at the EPA Region 6 library and the information repositories listed above and will be included in the final deletion package. Members of the public are encouraged to contact EPA Region 6 to obtain a copy of the responsiveness summary. If, after review of all such comments and data, EPA determines that the deletion from the NPL is appropriate, EPA will publish a final notice of deletion in the Federal Register. Deletion of the Site does not actually occur until a final notice of deletion is published in the Federal Register. A copy of the final deletion package will be placed in the EPA Region 6 library and the information repositories listed above after a final notice has been published in the Federal Register.

### IV. Basis for Intended Partial Site Deletion

The following information provides EPA's rationale for deletion of the Site from the NPL and explains EPA's finding that the proposed deletion satisfies 40 CFR 300.425(e) requirements:

Triangle Chemical Company is a 2.3 acre tract of land located on Texas State Highway 87 approximately one-half mile north of the junction of Texas State Highway 87 and Texas State Highway 62 north of Bridge City, Texas.

Triangle Chemical Company operated a chemical mixing and blending facility

from the early 1970s until 1981.

Triangle Chemical Company's production consisted of automobile brake fluid, windshield washer solvent, hand cleaners, pesticides and various types of industrial cleaning compounds. The waste management and general housekeeping practices were very poor, resulting in leaks and spills from numerous drums and tanks onsite. Local residents reported seven fish kills that occurred from March 1976 to October 1982.

Investigations by the Texas Department of Water Resources (TDWR), the predecessor agency to the Texas Water Commission (TWC) which is now the Texas Natural Resource Conservation Commission (TNRCC), indicated that the fish kills resulted from discharges of hazardous materials from the Site. In August 1981, the TDWR obtained a temporary injunction against Triangle Chemical Company concerning untreated discharges from the Site and other violations of pollution control laws. In October 1981, TDWR found that the Site had been abandoned. The Site included five buildings and thirty large tanks, eleven of which tanks contained hazardous liquids totaling 51,000 gallons. Raw materials and finished products were stored in bulk surface tanks and fifty-five-gallon drums. There were also 1,095 drums and approximately 350 cubic yards of contaminated soil and trash, all of which were left in an unsecured condition.

In April 1982, EPA initiated an immediate removal action to impede public access to these hazardous materials. This action consisted of construction of a six foot high chain link fence topped with barbed wire around the material storage area, posting of warning signs around the Site and construction a drainage canal in front of the main drum storage area to control runoff.

EPA initiated a planned removal action in August 1982 to remove drums and contaminated trash and soil. This removal operation was limited to the drum staging and crushing area. The wastes removed during this action were taken to the approved hazardous waste disposal facility owned by Chemical Waste Management, Inc., located at Port Arthur, Texas, and included 21,000 gallons of liquids, 350 cubic yards of contaminated soil and trash and 1,095 drums.

The remedial investigation revealed specific zones of soil contamination as determined by elevated volatile organic measurements; however, the depth of contaminated soils varied within the zones. Most of the bands of

contaminants began at one to two and one-half feet below the ground surface and did not extend beyond six and one-half feet in depth. In addition, fifteen large storage tanks contained potentially hazardous materials. Continued deterioration of these abandoned tanks could have contributed to further contamination through leaks and spills. Contaminated refuse was present in the form of shipping and packing materials contaminated by product spills and small containers of unused products. These products were scattered through the buildings. Unauthorized entry on this Site could have resulted in human exposure to the potentially contaminated refuse.

Roy F. Weston, Inc., (Weston) began a feasibility study in August 1984 and completed it in March 1985. WESTON conducted a pilot study from February 3, 1985, through February 14, 1985, on a small area of the Triangle Chemical Company Site to demonstrate and evaluate the effectiveness of mechanical aeration for contaminant removal from the soils. Mechanical aeration was performed on three lifts of soil and was shown to be an effective method of reducing volatile compounds to background levels.

The Record of Decision (ROD) was signed by the EPA Regional Administrator on June 11, 1985, based on the administrative record for the Site including, but not limited to, findings from the remedial investigation, evaluations of the treatment alternatives reviewed during the feasibility study and the results of the pilot study for the Site. The ROD provides for offsite incineration and deep well injection of the contents of the storage tanks and drums, offsite landfill disposal for storage tank sludges, decontamination of all onsite structures, offsite landfill disposal of trash and debris and onsite mechanical aeration of the contaminated soils to remove volatile compounds to background levels. The ROD states EPA's conclusion that the decontamination of soil to background levels would effectively mitigate the potential for future ground water contamination. The ROD provides for monitoring to verify that the ground water is not impacted by the remedial construction.

TNRCC advertised for bids for the remedial action cleanup activities and opened the bids on August 15, 1986. The contract was awarded to ENSCO Environmental Services (ENSCO). After approval of its operations plan and other submittals, ENSCO was issued a notice to proceed on January 2, 1987. ENSCO mobilized for the cleanup activities on January 13, 1987. TNRCC's

engineer representative at the Site for inspection and project administrative services was WESTON.

ENSCO performed mechanical aeration by tilling the soils. In addition, contents of drums, tanks and containers were analyzed and classified to determine reactivity groups. The compatible liquids were transferred to larger tanks and transported offsite as documented in WESTON's June 1987 final report. ENSCO's activities also included the cleaning of the remaining buildings and the decontamination of the in-place tanks and process equipment by a triple rinse process.

The analytical results since 1988 show that concentration levels for indicator compounds in monitoring wells MW-6, MW-7 and MW-11 move within an established range and are dependant upon rainfall and tides. None of the six indicator compounds was detected in samples from monitoring wells MW-1, MW-3, MW-5 or MW-10 during operation and maintenance (O&M). There is no indication of horizontal or vertical migration of the contaminant plume at the Site. Wells MW-3 and MW-9, down gradient to MW-6 and adjacent to the nearby bayou, have not been affected. This lack of movement is due to low primary permeability of the aquifer and limited ground water flow velocity. Modeling was done at this Site in a supplemental ground water investigation in 1988. No evidence has yet been presented that would change the conclusion from that investigation that it would take over seventy years for a particle of hazardous substance to move 160 feet. During particle movement, a preponderance of the material would be attracted to the organic carbon in the organic clays and silts. Analytical results do not indicate an increase in concentrations of the six indicator compounds or other volatile organic compounds in ground water at the Site during past O&M. The slight variations in concentrations of contaminants among quarterly sampling events may be attributed to changes in water level elevations and movement during periods of above or below normal precipitation. Should aquifer conditions change during continued ground water monitoring, the Site can be reinstated as a Superfund site.

The shallow aquifer in the vicinity of the Site is brackish, odoriferous and not otherwise suitable as a potable water supply. The shallow aquifer was initially estimated to yield 1.2 gallons per minute; however, it is specifically noted in the reports of Weston and others involved in these sampling activities that all of the shallow monitoring wells at the Site were bailed

dry in attempting to achieve three well volumes prior to sampling.

The shallow aquifer at the Site is not currently used for drinking or other water usage, and is it not likely that it will be so used due to high total dissolved solids. This upper shallow aquifer is separated from the deeper fresh water aquifer by a thick clay layer which effectively prevents vertical migration of contamination and protects the lower drinking water aquifers. A pump test and other sampling conducted during the supplemental investigation and sampling to date confirm that there is no communication between upper and lower water-bearing zones.

Delisting requirements for the Site have been met. Specifically, confirmatory sampling has verified that the ROD cleanup objectives have been achieved. All cleanup actions specified in the ROD have been implemented. The remaining activity to be performed is continuing O&M which has been guaranteed by the State of Texas.

EPA and TNRCC have committed to monitoring wells MW-3, MW-6, MW-7, MW-9 and MW-11 for thirty years. If the plume moves away from MW-6, either north to MW-3 or MW-9, northeast to MW-11, or downward to MW-7, the Site can be reinstated as a Superfund site. Such reinstatement would not require application of the hazard ranking system. Based on the facts presented above, EPA proposes that the Site be delisted and removed from the National Priorities List.

EPA, with concurrence of the State of Texas, has determined that all appropriate Fund-financed response under CERCLA at the Triangle Chemical Company Superfund Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

Dated: October 9, 1996.

Jerry Clifford,

*Deputy Regional Administrator, U.S.  
Environmental Protection Agency, Region 6.*  
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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Parts 10 and 12

[CGD 96-053]

#### User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation

AGENCY: Coast Guard, DOT.